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Ultimate Fighting Championship and UFC

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

20 Cung Le, Nathan Quarry, Jon Fitch, Brandon  
Vera, Luis Javier Vazquez, and Kyle  
21 Kingsbury on behalf of themselves and all  
others similarly situated.

22 Plaintiffs,  
23 v.

24 Zuffa, LLC, d/b/a Ultimate Fighting  
25 Championship and UFC,

26 || Defendant.

Case No.: 2:15-cv-01045-RFB-(PAL)

**DECLARATION OF STACEY K.  
GRIGSBY IN SUPPORT OF ZUFFA,  
LLC'S MOTION TO SEAL PORTIONS  
OF ZUFFA, LLC'S OPPOSITION TO  
PLAINTIFFS' MOTION TO  
CHALLENGE ATTORNEY-CLIENT  
PRIVILEGE (ECF NO. 320) AND  
RELATED EXHIBITS**

1 I, Stacey K. Grigsby, declare as follows:

2 1. I am an attorney admitted to practice before the courts in the states of New York  
3 and the District of Columbia and am admitted Pro Hac Vice to practice before this Court. I am a  
4 Partner in the law firm Boies, Schiller & Flexner LLP, and counsel to Defendant Zuffa, LLC  
5 (“Zuffa”) in this case.

6 2. I make this declaration in support of Zuffa’s Motion to Seal Portions of Zuffa’s  
7 Opposition to Plaintiffs’ Motion to Challenge Attorney-Client Privilege. Based on my review of  
8 the files and records in this case, I have firsthand knowledge of the contents of this declaration  
9 and could testify thereto.

10 3. Zuffa seeks to file under seal two exhibits identified as Exhibits B and C to the  
11 Declaration of Stacey K. Grigsby in Support of Zuffa, LLC’s Opposition to Plaintiffs’ Motion to  
12 Challenge Attorney-Client Privilege (“Grigsby Opposition Declaration”), as well as portions of  
13 Zuffa’s Opposition, Exhibit A to the Grigsby Opposition Declaration, and the Appendix of  
14 Exhibits in support thereof. This declaration is submitted to provide the factual and legal support  
15 for the filing of this material.

16 4. Federal Rule of Civil Procedure 26(c) provides that the Court may “issue an order  
17 to protect a party or person from annoyance, embarrassment, oppression or undue burden or  
18 expense” by “requiring that a trade secret or other confidential research, development, or  
19 commercial information not be revealed or be revealed only in a specific way.”

20 5. Exhibits B and C to the Grigsby Opposition Declaration have been designated as  
21 confidential under the protective order. These exhibits contain detailed information about  
22 contractual terms and language in a contract with an athlete, and information about contractual  
23 negotiations with a potential licensee, respectively.

24 6. Zuffa also seeks to seal portions of Zuffa’s Opposition, Exhibit A to the Grigsby  
25 Opposition Declaration, and the Appendix of Exhibits in support thereof, that contain confidential  
26 information described in paragraph 5 and contain confidential information related to the  
27 documents Zuffa moved to seal in its Motion to Seal Portions of Plaintiffs’ Motion to Challenge  
28

1 Attorney-Client Privilege (ECF No. 324). Zuffa incorporates by reference the arguments  
2 contained in its prior motion.

3       7.     With respect to paragraph 5 above, it is my understanding that Zuffa treats its  
4 contracts, in executed and draft forms, as confidential. Zuffa also considers its internal decision-  
5 making processes, discussions, and business strategies confidential. Disclosure of this  
6 information, which includes specific financial terms, benefits, and obligations negotiated with an  
7 athlete, could expose Zuffa’s approach to internal decision-making strategies and negotiations, as  
8 well as disclose attorney-client privileged communications regarding proposed draft language of  
9 contractual provisions. In sum, public disclosure of this information would provide competitors  
10 with unfair and damaging insights into Zuffa’s business practices.

11        8.      With respect to paragraph 5 above, it is my understanding that Zuffa treats its  
12 negotiations with sponsors and licensees as confidential. I also understand that Zuffa treats its  
13 business strategy with respect to sponsors and licensees, as well as potential sponsors and  
14 licensees as confidential. Disclosure of this information, which includes specific contemplated  
15 policies and strategies with respect to sponsors and licensees could expose Zuffa's internal  
16 decision-making strategies and disclose attorney-client privileged communications regarding  
17 contemplated contractual terms and potential language. Put simply, public disclosure of this  
18 information would provide competitors with unfair insight into Zuffa's business practices with  
19 respect to sponsors and licensees.

20        9. I further understand that Zuffa does not publicly disclose information relating to  
21 fighter contracts and the various forms of fighter compensation paid under those agreements.

22        10. I further understand that Zuffa does not publicly disclose information relating to  
23 sponsors or licensees and the various contractual requirements for sponsors and licensees who  
24 contract to do business with Zuffa.

25 I declare under penalty of perjury under the laws of the United States of America that the  
26 foregoing facts are true and correct. Executed this 3rd day of January, 2017, in Washington, DC.

/s/ Stacey K. Grigsby

Stacey K. Grigsby